

106TH CONGRESS  
2D SESSION

# H. R. 4001

To amend the Tariff Act of 1930 relating to detentions and searches of travelers by the United States Customs Service, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2000

Mr. LEWIS of Georgia (for himself and Mr. HOUGHTON) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Tariff Act of 1930 relating to detentions and searches of travelers by the United States Customs Service, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Civil Rights for Inter-  
5       national Travelers Act”.

6       **SEC. 2. PROHIBITION ON RACIAL OR OTHER DISCRIMINA-**  
7                               **TORY PROFILING BY THE UNITED STATES**  
8                               **CUSTOMS SERVICE.**

9       United States Customs Service inspectors or other of-  
10      ficials shall not subject travelers to detention, pat down

1 searches, intrusive nonroutine searches, or similar inves-  
2 tigative actions, based in whole or in part on the actual  
3 or perceived race, religion, gender, national origin, or sex-  
4 ual orientation of the traveler, except when such inspectors  
5 or officials are acting upon specific information that a par-  
6 ticular traveler suspected of engaging in specific illegal ac-  
7 tivity is described by 1 or more of such characteristics.

8 **SEC. 3. PERIODIC TRAINING OF UNITED STATES CUSTOMS**  
9 **SERVICE PERSONNEL.**

10 The Commissioner of the United States Customs  
11 Service shall require all Customs Service inspectors and  
12 other similar officials in the Customs Service to undergo  
13 on a periodic basis training on the procedures for deten-  
14 tions and searches of travelers, with particular emphasis  
15 on the prohibition on profiling (as described in section 2)  
16 of travelers based on race, religion, gender, national ori-  
17 gin, or sexual orientation.

18 **SEC. 4. ANNUAL STUDY AND REPORT ON DETENTIONS AND**  
19 **SEARCHES OF TRAVELERS BY THE UNITED**  
20 **STATES CUSTOMS SERVICE.**

21 (a) STUDY.—The Commissioner of the United States  
22 Customs Service shall conduct an annual study on deten-  
23 tions and searches of travelers by the Customs Service  
24 during the prior year. The study shall include the number  
25 of searches of travelers by the Customs Service, the race,

1 gender, and national origin of the travelers subject to the  
2 searches, the type of searches conducted (including but  
3 not limited to pat down searches and intrusive nonroutine  
4 searches), and the results of the searches.

5 (b) REPORT.—Not later than March 31 of each year,  
6 the Commissioner of the Customs Service shall submit to  
7 the Congress an annual report containing the results of  
8 the study conducted under subsection (a) for the prior  
9 year.

10 **SEC. 5. DEFINITIONS.**

11 In this Act:

12 (1) INTRUSIVE NONROUTINE SEARCH.—The  
13 term “intrusive nonroutine search” means any of the  
14 following actions taken to detect or remove contra-  
15 band from the traveler:

16 (A) A search involving the removal of some  
17 of a person’s clothing in the search for mer-  
18 chandise hidden on a person’s body, but not in-  
19 cluding removal of a person’s coat, shoes, belt,  
20 or pocket contents (commonly referred to as a  
21 “strip search”).

22 (B) A search involving use of a medical x-  
23 ray to determine the presence of merchandise  
24 within the body, or of other x-ray technology to  
25 determine the presence of merchandise on the

1 body (commonly referred to as an “x-ray  
2 search” or a “body scan search”).

3 (C) Any visual or physical intrusion into  
4 the rectal or vaginal cavity (commonly referred  
5 to as a “body cavity search”).

6 (D) Any action to require the traveler to  
7 take a laxative or other similar drug.

8 (E) A monitored bowel movement.

9 (F) A surgical procedure.

10 (G) Any similar or related action to an ac-  
11 tion described in any of subparagraphs (A)  
12 through (F).

13 (2) PAT DOWN SEARCH.—The term “pat down  
14 search”—

15 (A) means a search that involves physical  
16 contact with the traveler’s body or clothing  
17 taken to detect or remove contraband from the  
18 traveler; but

19 (B) does not include any of the actions de-  
20 scribed in subparagraphs (A) through (F) of  
21 paragraph (1).

## 22 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—There are authorized to be appro-  
24 priated for fiscal 2001 and each subsequent fiscal year  
25 such sums as may be necessary to carry out this Act.

1       (b) AVAILABILITY.—Amounts appropriated pursuant  
2 to the authorization of appropriation under subsection (a)  
3 are authorized to remain available until expended.

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